

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks:

Claims Status

Claims 1-10 and 16-25 are pending and are rejected. Claims 11-15 and 26-30 have been previously canceled. Of the pending rejected claims, claims 1 and 16 are independent in form. Claims 1 and 16 are herein amended. No new matter has been added.

Claim Rejections under 35 USC § 103(a):

The rejections of claims 1-10 and 16-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,972,453 to Daniel, III et al. ("Daniel") in view of "the admitted prior art" have been maintained. Applicant respectfully traverses this rejection.

Independent Claims 1 and 16

In response to Applicant's arguments filed on January 29, 2004, the Examiner states that "the claimed CSTA protocol appears only in the preamble of claim 1 and carries no patentable weight." (April 20, 2004 Office Action, page 5, ¶ 4). Applicant does not agree with this position, but nonetheless has amended claim 1 to affirmatively require that the computing platform is coupled "by the control interface for controlling CSTA protocols" to the PBX switch, in the body of the claim. Support for this amendment can be found throughout the specification and figures as filed, for example paragraph 20 and Figs. 1 and 2. Claim 16 has been similarly amended.

Additionally, the Examiner has stated that Applicant has presented individual arguments regarding Daniels, without looking at the combination as a whole and that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. (See April 20, 2004 Office Action, page 6, ¶¶ 3-4). Applicant respectfully disagrees and, in addition to Applicant's view that the formed combination is not properly motivated as set forth in detail below, Applicant further submits that the individual arguments previously present and herein restated, are in dispute of claimed elements that the Examiner has attributed to Daniel under what Applicant believes is an improper characterization of Daniel, which is clearly a proper challenge to the rejection.

A. **Combination Is Not Properly Motivated**

Applicant respectfully submits that the combination of Daniel and “the admitted prior art” as the basis for the rejection of the pending claims is improper and the stated claim rejections cannot stand for at least several reasons.

Daniel is directed to an expert system for maintaining remote computer systems. (See Abstract.) The stated purpose of Daniel is to provide a system for remotely maintaining PBX systems, which obviates the need for technicians to travel to a PBX location and connect to it locally. (See, Col. 1, lines 19-40).

On the other hand, “the admitted prior art” connects to local PBXs and provides limited ActiveX support for a subset of CSTA services to local telephony applications and does not provide diagnostic or statistical information.

Despite the Examiner’s assertion that “it would have been obvious to one of ordinary skill in the art ... to use the ... CSTA protocol in Daniel because using an old and available protocol such as the CSTA protocol does not rise to the level of patentability,” (April 20, 2004, Office Action, pages 2-3), the Examiner has not pointed to any motivation to form such a combination as is required. Daniel’s invention was expressly designed to connect to a PBX remotely and “the admitted prior art” facilitates local PBX connections. Applicant respectfully submits that given the different focus of the respective disclosures of these two references, the Examiner has failed to provide any motivation to support combining the disparate teachings of Daniel with “the admitted prior art.” Furthermore, inasmuch as the motivation to combine Daniel and “the admitted prior art” appears to be taken from the present invention as claimed, such combination is improper and impermissible.

B. **Combination, even if properly formed, does not anticipate or render obvious the claimed invention**

Moreover, even assuming *arguendo* that the combination of Daniel and “the admitted prior art” were properly motivated, which it is not, Applicant respectfully submits that the claimed invention is still not anticipated by or rendered obvious in view of such combination.

The Examiner has taken the position that Daniel teaches a PBX switch; a computing platform coupled to the PBX switch; and component based interface objects running on said computing platform and defining properties, methods and events, said properties, methods and events being mapped to provide diagnostic and statistical information.

However, the Examiner admits that Daniel does not specifically teach the use of a control interface for controlling CSTA protocols. Nonetheless, the Examiner alleges that “this feature is old and well known as admitted by applicant specification page 3, lines 1–3” (April 20, 2004 Office Action, page 2, ¶ 4).

Applicant refers the Examiner to the end of the cited paragraph describing the prior art wherein it is stated, “[h]owever, there have not been any full high level interfaces addressing all of the features and events of the ‘Call Bridge for Work Groups’--CSTA interface. Moreover, there have not been any high level interface which aid in creation of common paradigms used in telephony applications. Furthermore, there have not been any high level interfaces which aid in the provision of diagnostic functions in telephony applications.” (emphasis added) (Specification, page 3, lines 13-21).

In addition, Applicant strongly disagrees with the Examiner’s characterization of the disclosure of Daniel in attributing a component based interface objects running on said computing platform and defining properties, methods, and events, said properties, methods and events being mapped to provide diagnostic and statistical information as being within the teachings of Daniel. The Examiner alleges that the component based interface objects may read on the expert system that invokes the testing procedure. Applicant submits that the referenced expert system does not qualify as a component-based interface object. The Examiner fails to show how the expert system described in Daniel is, or can be, used to define properties, methods and events where these methods, properties and events can be mapped to provide diagnostic and statistical information. The burden is on the Examiner to show how this claim element is present in Daniel and Applicant respectfully submits that this burden has not been met.

The present invention is directed to a method and apparatus of a control interface that, *inter alia*, collects and displays diagnostic and statistic information. The control interface of the present invention maintains a rich set of statistics including, for example, messages per second, number of requests, number of responses, number of events, number of errors and number or rejects, which are tabulated on the incoming and outgoing links and all are displayable via property pages. System status information and error messages are also displayable via property pages. Furthermore, the control interface of the present invention advantageously provides telephony applications with the ability to log error information including application defined error strings, which are displayable through property pages. In these regards, the control

interface of the present invention aids in the provision of diagnostic functions in telephony applications.

The present invention as claimed is different in at least these respects, and consequently in scope and claimed matter, from Daniel and "the admitted prior art." Applicant respectfully submits that neither Daniel nor "the admitted prior art." alone or in combination teach or suggest the claimed invention. Thus, Applicant believes these claims to be distinguished over the prior art of record.

Accordingly, Applicant believes that claims 1 and 16 as pending are neither anticipated by nor rendered obvious in view of Daniel, taken individually or in combination with any other cited reference, and are allowable thereover.

Dependent Claims

Applicant traverses the rejections of the dependent claims but has not independently addressed the individual rejections of the dependent claims because Applicant submits that dependent claims 2-10 and 17-25 are also allowable for at least similar reasons as stated for the independent claims from which they depend. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be appropriate.

Based on the foregoing remarks, claims 1-10 and 16-25 are believed to define patentable subject matter. Withdrawal of the rejections applied to claims 1-10 and 16-25 is respectfully requested.

CONCLUSION

All the rejections of claims having been addressed and the claims as presented herein being believed allowable, Applicant submits that the application is hereby placed in condition for allowance which action is earnestly solicited.

While Applicant believes no fees or extension of time are required for this Amendment and Request for Reconsideration. However, should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 19-2179.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

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